

REMARKS

The examiner stated in Paragraph 4 of the Final Action (page 2) that Ben-Yoseph et al. has the host processor 102 and multimedia processor 106 operate in concert to balance the execution load between the host processor 102 and multimedia processor 106 (col. 7, lines 20-35), and Plante et al. discloses calculating CPU utilization rate for the purpose of CPU performance level assessment. The examiner thus concluded that having established Ben-Yoseph is concerned with improving graphics performance and Plante adaptively throttling a computer, it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify Ben-Yoseph with the teachings of Plante et al. because this would result in increased system performance. The Applicant respectfully disagrees for the following reasons.

According to MPEP 706.02(j), *"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure."*

As acknowledged by the examiner, Plante et al. discloses calculating CPU utilization rate for the purpose of CPU performance level assessment. If prior CPU utilization and/or policies dictate a different CPU performance level, the CPU performance level is changed (Abstract). More concretely, if CPU utilization indicates that less CPU processing speed could adequately fulfill processing needs, the CPU is instructed to decrease processing speed to consume less power (page 1, paragraph [0004]). Accordingly, it appears that Plante et al. detects the utilization rate of CPU in order to opportunistically change the performance level of CPU. Thus there is NO disclosure and suggestion in Plante et al. that the utilization rate of CPU is detected to see if it can help other devices for additional work.

Furthermore, according to Ben-Yoseph et al., the resource manager 308 shifts complex graphics operations to the DIB engine driver on the host processor 102 in the case that the multimedia processor 106 is overloaded, so it is not necessary to detect the CPU utilization rate. As the CPU utilization rate is not to be realized in Ben-Yoseph et al., there is NO motivation to combine Ben-Yoseph et al. and Plante et al.

The Applicant further asserts that the combined prior art references do not teach or suggest all the claim limitations, such as the feature that the allocation of the graphics data is performed according to the utilization rate of the CPU. As acknowledged by the examiner, Ben-Yoseph et al. has the host processor 102 and multimedia processor 106 operate in concert to balance the execution load between the host processor 102 and multimedia processor 106, and Plante et al. discloses calculating CPU utilization rate for the purpose of CPU performance level assessment. As a matter of fact, these two functions do not conflict with each other, and can be co-existent in a computer system. Therefore, modifying Ben-Yoseph with Plante would result in a computer system exhibiting both of these functions, i.e. the resource manager shifts complex graphics operations to the DIB engine driver on the host processor if the multimedia processor is overloaded, and the CPU performance level is changed when CPU utilization and/or policies dictate a different CPU performance level, instead of showing the allocation of the graphics data according to the utilization rate of the CPU.

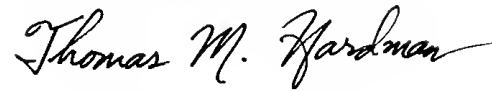
Moreover, for the operation of the CPU to process graphics data, the present invention is active but Ben-Yoseph et al is passive, reasonable expectation of success is achieved.

In view of the foregoing, allowance of all pending claims 1-17 is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/691,685
Amdt. dated December 12, 2006
Reply to Office Action of September 20, 2006

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas M. Hardman". The signature is written in a cursive, flowing style.

/Thomas M. Hardman/

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